

STANDING CHAPTER 13 TRUSTEE ALEJANDRO OLIVERAS RIVERA  
REPORT OF ACTION TAKEN  
MEETING OF CREDITORS

In re:

CARMEN MILAGROS DAVILA RAMOS

Case No. 21-00363-MCF

Chapter 13

Attorney Name: JOSE A LEON LANDRAU\*

<b>I. Appearances</b>  Debtor <span style="margin-left: 20px;"><input checked="" type="checkbox"/> Present</span> <span style="margin-left: 20px;"><input type="checkbox"/> Absent</span> Joint Debtor <span style="margin-left: 20px;"><input type="checkbox"/> Present</span> <span style="margin-left: 20px;"><input type="checkbox"/> Absent</span> Attorney for Debtor <span style="margin-left: 20px;"><input checked="" type="checkbox"/> Present</span> <span style="margin-left: 20px;"><input type="checkbox"/> Absent</span>  <input type="checkbox"/> Prose <input type="checkbox"/> Appearing:	Date & Time: 8/24/2021 2:40:00PM  <input checked="" type="checkbox"/> R <span style="margin-left: 20px;"><input type="checkbox"/> NR</span> LV: To be determined <input checked="" type="checkbox"/> This is debtor(s) 2 Bankruptcy filing.  Creditors:  <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <u>CRIM by Carmen Priscilla Figueroa, Esq.</u>  <u>Hector Ramos by Rafael Gonzalez Valiente, Esq.</u> </div>
<b>II. Oath Administered</b> <span style="margin-left: 40px;"><input checked="" type="checkbox"/> Yes</span> <span style="margin-left: 40px;"><input type="checkbox"/> No</span>	
<b>III. Plan</b>  Date: 06/21/2021 Base: \$743,000.00 Payments 6 made out of 6 due.  Confirmation Hearing Date: 10/19/2021 9:00:00AM  Evidence of Pmt shown:	
Attorney's fees as per R. 2016(b)  <div style="margin-left: 40px;">\$1,000.00 - \$1,000.00 = \$0.00</div>	
<b>IV. Status of Meeting</b>  <input type="checkbox"/> Closed <span style="margin-left: 20px;"><input type="checkbox"/> Not Held</span> <span style="margin-left: 20px;"><input type="checkbox"/> Held/Continued</span> <input type="checkbox"/> Held/Not Closed  <input checked="" type="checkbox"/> Continued  Continued Date: 9/7/2021 11:40:00AM Comments:	
<input type="checkbox"/> M.T.D. to be filed by Trustee: Debtor(s) failed to: <input type="checkbox"/> Appear: <input type="checkbox"/> Commence payments <input type="checkbox"/> Keep payments current <input type="checkbox"/> does (do) not qualify as a debtor (§109): <input type="checkbox"/> MTD Already filed, see Docket: <input type="checkbox"/> Other:	

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(Cont.)

Trustee's Report on Confirmation

☐ FAVORABLE

☐ UNFAVORABLE

- ☐ Feasibility
- ☐ Insufficiently funded
- ☐ Unfair discrimination
- ☐ Fails disposable income
- ☐ Fails liquidation value test
- ☐ Insuarence quote

- ☐ No provision for secured creditor(s)
- ☐ Tax returns missing
  - ☐ State - years
  - ☐ Federal - years

Pending/Items/ Documents:

- ☐ DSO Recipient's Information
- ☐ Evidence of being current with DSO
- ☐ Evidence of income

- ☐ Monthly reports for the months
- ☐ Public Liability Insurance
  - ☐ Premises
  - ☐ Vehicle(s):
  - ☐ Licenses issued by:

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Trustee's objection to confirmation

- ☐ Objection to Confirmation  
☐ Oral objection by creditor

ACP: 5

Household size: 1

Disp. Income under 1325(b)(2): 0.00

ID (Pass): OK SS: Letter from Social Security/W/S: OK TX/SC-2781 (None), Nmar, Employment: Owner Yabucoa activity center

Plan:

\$5,000 x 6= \$30,000

\$7,000 x 4= \$28,000

\$7,500 x 2= \$15,000

\$10,000 x 48= \$480,000

lump cum month 36- \$130,000

lump sum month 40- \$60,000

Total \$743,000

G.U. 11%

Previous case: 20-00598

1. OTHER:

- a. Debtor filed Motion to inform further request of duplicate of social security identification at dkt#59.
- b. Part 1.3 of the plan was checked as not included, however, part 8 disclose a non-standard provision regarding tax refunds.
- c. Schedule "D" disclose that creditor for the 2019 Toyota Tundra is BPPR, however, claim 4 was filed by Toyota Credit.
- d. Toyota Credit de Puerto Rico filed objection to confirmation dkt #50 alleging that plan fails to provide for the payment of Toyota's secured claim.
- e. Part 3.6 of the plan propose adequate protection payments to a mortgage creditor. In order for trustee make said payments the debtor needs to request Court's authorization.

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f. Part 3.2 of the plan propose to pay value of collateral to Mr. Hector Noel Ramos, however, also is disclosed in part 3.3 of the plan. Debtor is asked to inform the intention to pay this creditor.

g. Creditor Hector Noel Ramos Davila filed at dkt#63 an Opposition to Confirmation of plan since plan provides for an improper treatment for creditor. Secondly, the value presented in the plan are substantially lower to the point of incredibility.

h. Creditor Hector Noel Ramos Davila filed Motion for Relief from the Automatic Stay dkt#64.

i. Amended Motion to Dismiss filed by creditor Hector Noel Ramos Davila and debtor's response is pending for adjudication. Dkt's 66 and 84.

2. FAILS SECTION (Tax returns), §1325(a)(9):

a. Debtor needs to provide evidence of PR1040 2017-2020.

3. FAILS LIQUIDATION VALUE TEST, §1325(a)(4):

a. Debtor needs to provide photos and comparable of the properties disclosed in schedule A/B.

b. Per preliminary liquidation value plan needs to provide and pay 100% plus interest to non-priority unsecured creditors.

c. Does properties are recorded at the Registry of the Property? If so, please provide evidence thereof. Claim 06 filed by creditor Hector Noel Ramos Davila was filed without title search. Debtor disclosed two properties with a lien with the same creditor Hector Noel Ramos, creditor filed one claim for the both properties. It is ask to review which amount of lien belongs to each property.

d. Debtor needs to provide evidence to sustain the value of the properties. Debtor in previous case in 2020 listed commercial property in \$750,000, however, it is now listed in the amended schedule A/B \$370,000.00. Creditor filed objection to confirmation of plan disclosing that an appraisal for this property has the value of \$790,000.00. See dkt#63.

4. PLAN DOES NOT PROVIDE FOR SECURED CREDITOR, §1325(a)(5):

Plan does not provide for secured creditor Toyota Credit de Puerto Rico claim #04.

5. FAILS DISPOSABLE INCOME TEST, §1325(b)(1)(B):

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a. All income evidence is missing. Debtor needs to provide evidence of income. As per her testimony, she is full booked until July 2022. Debtor received approx. \$7,000.00 weekly, considering activities on Saturdays, debtor informs that occasionally, she also rent convention center on Sundays, which represent more income. Such income is more that \$30,333.00 monthly.

b. Debtor needs to provide evidence of income from the Business. What business it is? Debtor does not disclosed a business in voluntary petition neither in SOFA line 27.

c. Since when debtor receive social security income? It is not disclosed in SOFA line 5.

d. Per line 5 of the SCMI Form 122C1 debtor disposable income was determined as follows: (\$7,033.33 - \$5,500 = \$1,533, however, disposable income at line 11 is \$7,033.33. Trustee informs that per business and expenses sheet debtor's disposable income after expenses is approximately \$6,750. It seems that debtor is applying additional expenses to the net income. Debtor is asked to review discrepancy and amend accordingly.

6. FEASIBILITY, 11 USC §1325(a)(6):

Debtor is proposing a lump sum in the amount of \$60,000 from the sale of property in Bo. Camino Nuevo, Yabucoa, however, the mentioned property has no equity.

The following party(ies) object(s) confirmation:

s/Elvis Cortes

Date: 08/24/2021

Trustee/Presiding Officer

(Rev. 05/13)